NEWS AND REFERENCES

CONCLUSION OF NEWS ARTICLES

- online exams should be conducted because students are currently in stress due to various reasons like death of loved ones or hospitapization of family members
- court cant just violate basic human rights (except in procedure established by law)
- if court knows , that lives will be lost then it should not pass order which may cause panic and fear in public
- court should always stick to constitution
- court should not pass orders that will ruin innocent life or may cause death of innocent life
- No Popular Government Can Afford To Negate The Basic Human Right To Health": MP High Court **https://www.livelaw.in/top-stories/covid-19-no-popular-government-can-afford-to-negate-the-basic-human-right-to-health-mp-high-court-issues-slew-of-directions-172790**
- maharashtra is not free of covid and there is rising cases of new black fungus infection for which the medication used are in very limited quantity all over india and can be fatal or causing grievous hurt like disfigurement of face, loss of sight of one or both eyes,
- no matter how much rules implemented in hostels and campus, it is cannot be implemented to all the colleges and its a fact, logical reasoning will not eliminate the real time live problems faced by students
- some students or their family members are already infected or just recently recovered and so arenot mentally as well as physically fit to study and give exams
- students should not be considered as warriors as studies say that even the most doctors and nurses having years of experience succumbed to this deadly infection and hence proper protection of students by themselves cannot be expected as donot have any kind of training and experience

- the so called practical knowledge gap can be recovered during internship and should not interfere with academic year progression as knowledge can be gained any time during life but it cannot gained after death, also the knowledge which can be gained later should not waste the important youth yrs of students as they are expected to do nothing but wait for exams which is illogical and insane
- there are ways to conduct online exams which can be more reliable and cheating proof, so being adamant about conducting offline exams just for satisfaction of examination guidelines during this pandemic situation which has never happened before and no previous reference to consider
- so as there are neither previous similar situations nor similar references new ways should be implemented which are safe for students and examiners also
- any conduction of offline exams violates basic human fundamental right to life and right to health it is non-negotiable in any condition
- as conduction of exams will result in deaths of students and or their parents will ultimately lead to severe loss of mental health as well as emotional and practical real life loss which violates right to health which could be avoided by proper improvised exam conduction techniques should be considered as criminal act no less than genocide which is punishable by indian criminal court of law
- because parents entrusting muhs and govt authorities their child's life, any mal-conduction or lack of proper conduction will result in death of innocent life which is not worthy of conducting offline exams
- those who have lost loved one just because of exams will suffer mentally and many mental disorders can manifest also there will be total destruction of family ruining the lives of 4 people at least per death of student

COURT Q & A

▼ what is view of court about innocent lives of student ? is court ready to let students die ?

- court should / has to honour each individual's life as right to life and right to health , right to safe environment are non-negotiable fundamental basic rights of each and every citizen

▼ if court knows there can be potential loss of life as many having comorbidities as well as who are perfectly healthy and still may die in huge number, is court okay with this ?

- court can not / should not violate right to life because - article 21 states “No person shall be deprived of his life or personal liberty except according to a procedure established by law.”
- forcing co-morbid or immunocompromised students to live in hotspot areas like hotspot (violating pandemic act and currently active act144 in MH state) is violation of right to safe environment
- Health has its own prerequisites of social justice and equality and that it should be accessible to all

▼ what precautions can be taken by govt and muhs authorities

- no matter what precaution govt takes it is impossible to maintain social distance and covid norms in hostels as almost 3 to 18 students live in single room
- until unless - in all the govt and private colleges, court has to verify that each college has followed the covid norm and one room is allocated for only 2 to 3 students only, this is approved by court no exams should be conducted till then, irrespective of time required to mange these things
- if govt fails to follow procedure or denies to follow given covid norms, no offline exam should be conducted as life of students is of utmost importance

▼ what if court says all possible precautions are taken and exams will be conducted

- then we need review of courts order saying that every college is successfully following covid norms and it is now safe for students to live in

▼ still question remains are exams more important than life and court saying exams will be conducted

- considering article 21, each and every life should be preserved, conducting exams is impossible as students will die
- **directions are impossible to comply with**...we understand the anxiety of the Court. But this is a matter of concern. **Courts should also have some judicial restraint and not pass orders which are difficult to be implemented**,
- **We are of the opinion that High Courts should normally consider the possibility of execution of their directions. Of such directions cannot be implemented, then such orders may not be passed.** The **DOCTRINE OF IMPOSSIBILITY** is equally applicable to courts

▼

MUHS OTHER extra points

▼ muhs - we dont have resources

- students are ready to pay for exam fee once again but not more than regular

▼ muhs says- what will be online format

- as muhs guidelines recommend, there will be distribution of marks between objective and subjective pattern
- if allowed muhs can make an app especially for exams
- or some website based exam or
- like muhs conducted internal assessment exams in every medical college

▼ no online-

- currently all medical students are attending lectures online only, even for anatomy like basic subjects
- if thats allowed why not exams, as we are in unique situation never faced anywhere in whole world
- if persistence of tradition is required at the cost of lives of students then its not worth it

▼ muhs/courts - students should face conditions like this as they are future doctor

- currently more than 1500 doctors and nurses died due to corona virus despite taking utmost care and years of experience from various infectious diseases out there
- we students donot have either clinical knowledge or clinical experience or training to tackle these problems
- so considering students as frontline warriors is idiotic and illogical and unreal in todays situation

▼ how to prevent academic loss

- declare that exams wont be conducted for at least 3-4 months
- till then start next year lectures and consider that from that month as next academic yr of 12-13 months as feasible (including 1 month for remaining exams)
- then between winter exams and next year internal assessment exams keep at least 40 days gap so each subject can be well studied

▼ medical field has to deal with patient life and it is not good to let them pass online

- this is for this year only and students get their most valuable experience from their internship period,
- all the subjects were taught online and no practical could be conducted during lockdown, it is very unethical to expect from them to perform very good during exams
- students can compensate during their internship as well as can join to other institute and work as assistant to doctor to gain experience. many students have done in past and many are still doing

REFERENCES

1. Black fungus infection stalks states: 5,500 cases, 126 lives lost | India News (21 may 2021)
    1. https://timesofindia.indiatimes.com/india/black-fungus-stalks-states-5500-cases-126-lives-lost/articleshow/82813528.cms
    2. mortality 126 in country of which 90 are in maharashtra 2nd highest in haryana with 14 deaths
    3. shortage of amphotericin B in maharashtra along with 9 other states
    4. maharashtra has 70% deaths by black fungus, and facing severe shortage of liposomal amphotericin B drug since early april
    5. state needs 1.50 lakhs vials of drug but has received only 16,000 vials from centre said health minister rajesh tope
    6. sources say only 10% of affected with black fungus are getting injections
    7. mucormycosis declared as epidemic in rajasthan, gujrat, odisha
    8. declared as notifiable disease in haryana, karnataka, punjab, rajasthan, TN, UP
2. Covid-19: Many losing eyesight due to black fungus in Maharashtra (17 may 2021)
    1. https://timesofindia.indiatimes.com/city/nagpur/many-losing-eyesight-due-to-mucormycosis/articleshow/82692218.cms
    2. Eye surgeons treating cases of are also having to take tough decision to remove the patient's eye to save the life
    3. Most of the times removing one eye is enough, but in some cases both had to be extracted, said doctors TOI spoke to.
    4. This is a fallout of late reporting due to ignoring early symptoms. Shortage of Amphotericin B, the drug for treating the infection, is also worsening the cases, said doctors.
    5. Mucormycosis is a fungal infection which has emerged as post Covid complication.
    6. "It is also difficult to convince the families, some of the patients were young," said Dr Kamble.

3. Health Is Basic Human Right: MP HC Issues Directions To State On Battling COVID-19 Second Wave
    1. https://medicaldialogues.in/state-news/madhya-pradesh/health-is-basic-human-right-mp-hc-issues-directions-to-state-on-battling-covid-19-second-wave-76844
    2. The HC division bench comprising of Chief Justice Mohammad Rafiq and Justice Atul Sreedharan in the order dated 19.04.2021 mentioned
    3. "core obligation of the State in securing the right to life to all its citizens" and has mentioned it to be "non-negotiable"
    4. Further referring to several Supreme Court judgments marking health as a fundamental right of the citizens, the HC bench has issued several directions to the State Government to remind the State of its duties to ensure that right.
    5. "The right of the citizen to adequate healthcare emanates from the dignity and sanctity of the human life which belongs to all of them. Health, besides being a fundamental right is a basic human right, which no popular government can afford to negate."
    6. After listening to all the submissions by all the parties the HC bench mentioned, "Article 38, Article 39(e), Article 41 and Article 47 in Part-IV of the Constitution of India as well as the fundamental right guaranteed vide Article 21 of the Constitution of India deal with potent and substantive contents of the right to life which in its broad sweep also includes right to good health."
    7. "preservation of one's life is the necessary concomitant of the right to life enshrined under Article 21, fundamental in nature, secured, precious and inviolable."
    8. The High Court also referred to Article 25 of the Universal Declaration of Human Rights, ratified by India. It mentioned, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control."
    9. Apart from being a fundamental right, the high court said, "Health has its own prerequisites of social justice and equality and that it should be

accessible to all. It includes the ability to obtain all kind of healthcare services including prevention, diagnosis, treatment and management of diseases, management of health disorders, diseases and illness as also the management of other health impacting conditions."

10. Taking note of the situation and the submissions made on the behalf of the State, the HC appreciated the action plan produced by the State Government
11. However, the court noted,
    "Efforts that it is making should also reflect on ground and benefit thereof should reach the common man. It, therefore, needs to work hard towards that aim and goal."

4. Criminal Act, No Less Than Genocide: Allahabad HC On Death Due To Non-Supply Of Oxygen To Hospitals (05 may 2021)
    1. https://medicaldialogues.in/state-news/uttar-pradesh/criminal-act-no-less-than-genocide-allahabad-hc-on-death-due-to-non-supply-of-oxygen-to-hospitals-77288
    2. Allahabad High Court verdict
    3. The High Court bench comprising of Justices Siddhartha Varma and Ajit Kumar, in
       the order dated 04.05.2021,
    4. court noted, "Stories of hoarding of oxygen cylinders and harassment meted out to those poor citizens who were begging for an oxygen cylinder to save the life of their near and dear ones, both at the end of district administration and police administration are being viral in social media."
    5. The division bench added;
       "We are at pain in observing that death of Covid patients just for non supplying of oxygen to the hospitals is a criminal act and not less than a genocide by those who have been entrusted the task to ensure continuous procurement and supply chain of the liquid medical oxygen
    6. The court noted,
       "We find these news items showing a quite contrary picture to one claimed by the Government that there was sufficient supply of oxygen."

7. bench further noted,
   "How can we let our people die in this way when science is so advanced that even heart transplantation and brain surgery are taking place these days."

5. High Courts must refrain from passing orders on Covid that are impossible to implement: SC on Allahabad HC order (21 MAY 2021)
   1. https://www.indiablooms.com/news-details/N/72229/high-courts-must-refrain-from-passing-orders-on-covid-that-are-impossible-to-implement-sc-on-allahabad-hc-order.html
   2. New Delhi/IBNS: The Supreme Court on Friday said High Courts should avoid issuing orders that are impossible to implement in view of the sweeping impact of Covid-19, while staying a May 17 Allahabad High Court order on the management of the pandemic in Uttar Pradesh (UP), media reports said.
   3. **"We are of the opinion that High Courts should normally consider the possibility of execution of their directions. Of such directions cannot be implemented, then such orders may not be passed.** The **DOCTRINE OF IMPOSSIBILITY** is equally applicable to courts," the Supreme Court said, the report quoted.
   4. "Health infrastructure can never be ignored. But these **directions are impossible to comply with**...we understand the anxiety of the Court. But this is a matter of concern. **Courts should also have some judicial restraint and not pass orders which are difficult to be implemented**," Mehta told the Supreme Court bench of Justices Vineet Saran and BR Gavai, according to Bar and Bench.
   5. "These observations are made in anxiety and concern for general public. UP can treat this as an observation and advice and not direction," the Supreme Court said.

6. Coronavirus: High Courts should avoid passing orders that are impossible to implement, says SC (22 MAY 2021)
   1. https://scroll.in/latest/995474/coronavirus-high-courts-should-avoid-passing-orders-that-are-impossible-to-implement-says-sc
   2. “However, while dealing with such matters and the concerns the courts may have for patients and general public and the anxiety of courts to give utmost relief to those suffering...Sometimes, unwittingly the courts

overstep and pass certain orders that are not capable of being implemented," the Supreme Court added.

7. Medical system in rural Uttar Pradesh is 'Ram Bharose': Allahabad HC (18 MAY 2021)
    1. https://sabrangindia.in/article/medical-system-rural-uttar-pradesh-ram-bharose-allahabad-hc
    2. The Allahabad High Court Bench of Justices Siddhartha Varma and Ajit Kumar has observed
    3. it held that it came out to be a case of "high degree carelessness" on the part of the doctors who were on night duty at the time.
    4. In the suo motu matter on Covid management, the court took note of the fact that a dead body of one of the patients, Santosh Kumar, who had collapsed in the bathroom and died, was disposed of as an unidentified body in Meerut.
    5. The Bench remarked, "A patient is admitted to the hospital in an absolute care of doctors and paramedical staff and if the doctors and para medical staff adopt such casual approach and show carelessness in the performance of their duty, then it is a case of serious misconduct because it is something like playing with the lives of innocent people."
8. c**ovid-19: SC Stays Allahabad HC Order as Certain Directions were Incapable of Being Executed (22 may 2021)**
    1. https://www.newsclick.in/Covid-19-SC-stays-allahabad-HC-order-directions-were-incapable-being-executed
    2. Supreme Court has stayed the order passed by Allahabad High Court on May 17 directing the state to upgrade its medical facilities.
    3. In its May 17 order the division bench of Justice Ajit Kumar and Siddhartha Varma had passed a slew of directions
    4. The court however observed that sometimes they "overstep and pass certain orders that are not capable of being implemented", and advised that while passing directions, the high courts should consider whether or not such orders are capable of being executed.
    5. "In matters concerning national and trans national ramifications, High Courts should refrain from passing orders", the apex court cautioned.

The court granted stay on the operation of the order, however, ordered that the UP government should treat them as advisory guidelines and should take all possible endeavours to implement them.

9. 'Stressed' MBBS student on Covid duty hangs to death in Vadodara (06 may 2021)
    1. https://timesofindia.indiatimes.com/city/vadodara/stressed-mbbs-student-on-covid-duty-hangs-to-death-in-hostel-room/articleshow/82414030.cms
    2. Siddharth Bhadrecha, a third-year-student of GMERS Medical College and Hospital, Gotri
    3. On April 23, the death of 22-year-old physiotherapy student had sparked massive outrage amog the students who had alleged that she was forced to work in the Covid-19 ward despite her comorbities.
10. Effects of COVID-19 on College Students' Mental Health in the United States: Interview Survey Study
    1. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7473764
    2. Of the 195 students, 138 (71%) indicated increased stress and anxiety due to the COVID-19 outbreak.
    3. These included fear and worry about their own health and of their loved ones (177/195, 91% reported negative impacts of the pandemic), difficulty in concentrating (173/195, 89%), disruptions to sleeping patterns (168/195, 86%), decreased social interactions due to physical distancing (167/195, 86%), and increased concerns on academic performance (159/195, 82%)
11. Medical students take final exams online for first time, despite student concern ()
    1. https://www.theguardian.com/education/2020/mar/22/coronavirus-forces-medical-students-sit-final-exams-online
    2. ***if MUHS asks how to conduct exams online***
12. The surge in COVID-related deaths has given rise to a complicated mental health issue affecting many (21 may 2021)
    1. https://www.thehindu.com/news/national/kerala/emotional-trauma-of-those-bereaved-by-covid-19-poses-challenging-mental-health-

concerns-in-kerala/article34614474.ece

2. incident at Moothakunnam in Ernakulam district, a 45-year-old man died of post-COVID complications just days after his mother's death, leaving a young family orphaned.
3. That the victims are relatively young makes the sudden and unexpected demises more difficult to cope with for many," says C.J. John, a noted psychiatrist.
4. "Even health workers and medical professionals are emotionally scarred by the deaths of people under their care," said Dr. John.
5. "There is a definite fear psychosis as the thought of death crops up the very moment a person is infected, unlike during the first wave when there were far fewer fatalities," said Abraham Varghese, former Kerala president of the IMA.
6. Meanwhile, there has been a spurt in distress calls received by Maithri, a Kochi-based NGO working towards suicide prevention, with the number of calls almost doubling of late.
7. "Anxiety has soared amidst deaths all around and calls reflecting the mental, financial, health and academic-related anxieties triggered by the pandemic are on the rise," said Thampi Mathai, director, Maithri.

13. India's COVID crisis takes toll on mental health ()
    1. https://www.dw.com/en/indias-covid-crisis-takes-toll-on-mental-health/a-57582565
    2. "The impact of COVID-19 has not just been the obvious physical one. It is surrounded by pain, death and isolation. It is having a huge impact on people's mental health too," N V Ashwini, founder of Bangalore-based charity Muktha Foundation, told DW.
    3. Frontline workers cannot cope
       Unable to cope with the immense stress of working amid the pandemic, frontline health workers and doctors have also taken their own lives. Many have to contend with stigma from their community and family as well as their own concerns about getting infected.
    4. During the deadly second wave, suicide helplines across the country have been overwhelmed by calls from those whose lives have been affected.

5. "The calls have gone up three or four times more in the last three months. Right now, people are numbed by bereavement and are helpless. Some are experiencing collective grief. It will all come out and there is bound to be blowback in a few months," Nelson Vinod Moses of the Suicide Prevention India Foundation told DW.
6. Other mental health professionals agree. They warn the conditions created by the fallout from the pandemic will be a perfect breeding ground for chronic stress, anxiety, depression, alcohol dependence and self-harm.

14. Covid After Effects: Huge Gap in Practical Knowledge Awaits Medical Students (18 may 2021)
    1. https://in.news.yahoo.com/covid-effects-huge-gap-practical-114800046.html
    2. “Last year, we postponed the exams and facilitated around 2-3 months of continuous practical classes for students. Though that is not the compensation for their loss of practical knowledge all through the academic year, that’s the most we could do.
    3. Students will have to put in extra effort after completing their courses and practice well before handling independent cases. **Though this is tough on them, there’s no other way**,” says Dr S Sachidananada.
15. India Posts Highest Death Toll In Pandemic So Far (19 may 2021)
    1. https://www.webmd.com/lung/news/20210519/india-posts-highest-death-toll-in-pandemic-so-far
    2. Much remains unknown about the new Indian variant -- known as B.1.617.2 -- partly because Indian health officials have done so little genetic sequencing and cannot say how much it is responsible for the devastating outbreak there, the Post reported.
    3. While infections seem to be slowing down slightly in Indian cities like New Delhi and Mumbai, the virus is now spreading like wildfire through the country, the Times said. Testing there is limited, and the medical infrastructure is overwhelmed, the newspaper said.
    4. Hospitals in India remain short of supplies, and the country's vaccination campaign has been slow. The death toll has remained over 4,000 for several days, suggesting that even if new infections are

dropping in urban centers, those infected earlier in the outbreak are now dying.

5. More than 1,000 doctors have died of COVID-19 since the pandemic began last year. The rate of deaths has been much higher, and the age of victims often much younger, since the second wave of infections started this spring, the Times reported.
6. More than 260 doctors have died since April, according to the Indian Medical Association.

16. India's Real Death Toll May Be Many Times Higher Than The Official Count (29 april 2021)
    1. https://www.npr.org/2021/04/29/992122467/indias-real-death-toll-may-be-many-times-higher-than-the-official-count
17. Over 300 doctors died due to Covid during 2nd wave, at least 80 in Bihar: IMA (20 may 2021)
    1. https://www.indiatoday.in/coronavirus-outbreak/story/over-300-doctors-died-due-to-covid-during-2nd-wave-at-least-80-in-bihar-ima-1804831-2021-05-20
    2. The Indian Medical Association has said that 329 doctors across the country have died during the second wave of Covid-19 in the country. The doctors' association noted that at least 20 doctors are dying per day due to Covid-19 on average.
    3. The doctors' association suggested that the actual number of deaths may be higher because it only keeps a record of its 3.5 lakh members. India, however, has more than 12 lakh doctors.
    4. It may be noted that only 66 per cent of India's total healthcare workers have been fully vaccinated.
18. IMA refutes govt's data, says 734 doctors died due to Covid-19, condemns Centre's 'apathy' (03 feb 2021)
    1. https://www.hindustantimes.com/india-news/ima-refutes-govt-s-data-says-734-doctors-died-due-to-covid-19-condemns-centre-s-apathy-101612365469868.html
    2. The top medical body in a statement said that 734 doctors have died due to Covid-19 till February 3.

3. A day after the central government stated that 162 doctors died due to Covid-19 in the country, the Indian Medical Association (IMA) Wednesday said that it is "shocked" and pegged the figure at 734.
4. 37 doctors died of Covid in Nagpur, 4 in Vidarbha, says IMA data (19 sep 2021)
    1. "Doctors suffer four times mortality of ordinary citizens and private practitioners suffer eight times mortality on the same scale" reads a statement by IMA national president Dr Ranjan Sharma